

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DESMOND ARNEZ MILLS,

Plaintiff,

v.

ANNE L. PRECYTHE, et al.,

Defendants.

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No. 4:24-cv-00680-MTS

MEMORANDUM AND ORDER

This matter is before the Court on remand from the United States Court of Appeals for the Eighth Circuit for the calculation and collection of appellate filing fees pursuant to *Henderson v. Norris*, 129 F.3d 481 (8th Cir. 1997). On March 24, 2025, Plaintiff submitted a copy of his prison account statement for the six months preceding the filing of his appeal.

Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner bringing a civil action or appeal in forma pauperis is required to pay the full amount of the filing fee. If the prisoner has insufficient funds in his or her prison account to pay the entire fee, the Court must assess and, when funds exist, collect an initial partial filing fee of 20 percent of the greater of (1) the average monthly deposit in the prisoner's account, or (2) the average monthly balance in the prisoner's account for the prior six-month period. After payment of the initial partial filing fee, the prisoner is required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. 28 U.S.C. § 1915(b)(2). The agency having custody of the prisoner will forward these monthly payments to the Clerk of the Court each time the amount in the prisoner's account exceeds \$10.00, until the filing fee is fully paid. *Id.*

Plaintiff's prison account statement shows that for the six-month period from August 21, 2024 to February 21, 2025, Plaintiff had an average monthly deposit of \$83.38 and an average

monthly balance of \$58.35, calculated on the tenth of the month. The Court will therefore assess an initial appellate partial filing fee of \$16.68, which is 20 percent of plaintiff's average monthly deposit.

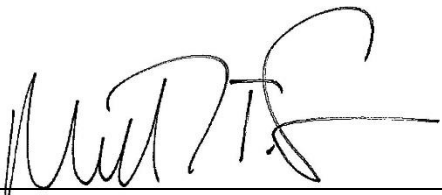
Accordingly,

IT IS HEREBY ORDERED that Plaintiff must pay an initial appellate partial filing fee of \$16.68 within twenty-eight (28) days of the date of this order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; and (3) the appellate case number (No. 25-1386).

IT IS FURTHER ORDERED that after payment of the initial appellate partial filing fee, the Clerk of Court shall request that the agency having custody of Plaintiff begin making payments in accordance with 28 U.S.C. § 1915(b)(2) until the \$605 appellate fee is paid in full.

IT IS FURTHER ORDERED that Plaintiff's motion seeking a Court order directing his case worker to provide him a copy of his prison account statement is **DENIED as moot**. [ECF No. 27]

Dated this 26th day of March 2025.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE